

**City of Lafayette**  
**City Council Meeting Minutes**  
**May 11, 2006**  
**6:30 PM**

**1. CALL TO ORDER:** Mayor Don Leard called the meeting to order at City Hall at 6:30 p.m.

**2. FLAG SALUTE:** Mayor Don Leard led the flag salute.

**3. ROLL CALL:** Diane Rinks, City Administrator, called the roll.

*Present:* Mayor Don Leard, Lisa Heatherly, Art Bixman, Jim Sieber (arrived late at 6:32 p.m.), and Bob Cullen.

*Absent:* Michael Roberts (exc.), 1 vacancy.

*City Staff Present:* Diane Rinks- City Administrator, Trena McManus- Assistant to the City Administrator, Justin Gericke (attorney from Jordan Schrader- City Attorney), Carl Coffman.

*Others:* Mike Hanks, Ken Sandblast, John Yuskovic, Carl Coffman, and approximately 2 others.

**4. APPROVAL OF MINUTES:**

Bob Cullen made a motion to accept the April 13, 2006 minutes. Lisa Heatherly seconded the motion. There was no discussion and the motion passed unanimously.

**5. REVIEW PROCEEDINGS AND APPROVE MINUTES OF SPECIAL MEETINGS:**

None.

**6. ADDITIONS AND DELETIONS:**

Diane Rinks added the following items to the agenda: Discussion Item #2- Truck parking on 3<sup>rd</sup> Street. There were no other additions or deletions.

**7. PUBLIC HEARINGS:**

**1. FY05-06- Supplemental Budget**

Mayor Don Leard opened the public hearing for the FY05-06 Supplemental Budget at 6:34 p.m.

Diane Rinks said that this public hearing is being held to discuss a supplemental budget for FY05-06. The change is to compensate for the underestimation of how many building permits were going to be issued this year. The proposal is to increase revenues for Building Permit Fees by \$30,000, and increase the expenses for Building Inspection by \$30,000.

There was no public comment.

The Council had no further comments.

The public hearing was closed at 6:36 p.m.

Lisa Heatherly made a motion to adopt Resolution 2006-04, as presented. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously.

**PRESENTATION FROM KEN SANDBLAST RE: URBAN GROWTH BOUNDARY EXPANSION**

Ken Sandblast said that he is a land use consultant, and he would like to talk to the Council about the possibility of an urban growth boundary expansion on behalf of his client. The City's Comprehensive Plan states that the City must go through periodic review before doing an urban growth boundary expansion. This requirement came as a result of an agreement that was reached with DLCD and 1000 Friends of Oregon when a population estimate was determined for the construction of the WWTP (Wastewater Treatment Plant). Ken Sandblast said that the state is moving away from doing periodic review, and the City of Lafayette is not required to do periodic review anymore, so he wanted to request that the Council consider initiating a Type IV application to have this requirement removed from the Comprehensive Plan. A Type IV application is something that must be initiated by the City Council. Discussion ensued.

John Yuskovic, 5474 Abbey Road- asked for some clarification as to what land would be proposed to be included in the urban growth boundary. Ken Sandblast said that it is a 60 acre parcel on the northwest edge of town, of which 20 acres is currently within the City limits.

After some discussion, it was the consensus of the Council to schedule a joint meeting with the Planning Commission to discuss long term goals for the City.

**8. CITIZEN INPUT ON NON-AGENDA ITEMS:**

None.

## 9. DEPARTMENTAL REPORTS:

### 1) **City Administrator report:**

Diane Rinks said that she wrote an update for the May water bill explaining to the residents what is going on in the City right now. The Council appreciated this update being provided to the residents.

### 2) **Accounts payable report:**

There were no questions on this report.

### 3) **Public Works report:**

Art Bixman asked about the piles of grass clippings down at Terry Park. Diane Rinks said that Public Works is aware of this, but they don't have the equipment to bag the grass when they mow. Art Bixman asked if the baseball diamond has been spruced up so that the little league team can utilize it. Diane Rinks said that it is her understanding that public works has been working in conjunction with the coach of the team to get the field ready.

### 4) **Fire Department report:**

There were no questions on this report.

### 5) **Sheriff report:**

Sergeant Tim Svenson was not able to attend the meeting, so there was no report.

## 10. LEGISLATIVE ACTIONS:

### 1) **Resolution 2006-04- FY05-06 Supplemental Budget:**

This was done under agenda item (7).

### 2) **Ordinance 585- FY06-07 Election to receive state revenue sharing:**

Bob Cullen made a motion to read Ordinance 585 by title only. Lisa Heatherly seconded the motion. There was no discussion and the motion passed unanimously. Diane Rinks read the Ordinance by title only- 'In the Matter of an Ordinance declaring the City's election to receive state revenues for the Fiscal Year 2006-2007.' Bob Cullen made a motion to adopt Ordinance 585, as presented. Lisa Heatherly seconded the motion. There was no discussion and the motion passed unanimously.

### 3) **Ordinance 586- Amend LMC Chapter 5 re: noxious vegetation:**

Bob Cullen made a motion to read Ordinance 586 by title only. Art Bixman seconded the motion. There was no discussion and the motion passed unanimously. Diane Rinks read the Ordinance by title only- 'An Ordinance amending section 5.470 of the Lafayette Municipal Code to clarify the regulations pertaining to noxious vegetation and declaring an emergency.' Bob Cullen made a motion to adopt Ordinance 586, as presented. Art Bixman seconded the motion. There was no discussion and the motion passed unanimously.

### 4) **Ordinance 587 (first reading)- Amend LMC Chapter 5 re: poultry, inoperable vehicles, and abatement:**

Bob Cullen made a motion to read Ordinance 587 by title only. Art Bixman seconded the motion. There was no discussion and the motion passed unanimously. Diane Rinks read the Ordinance by title only- 'An Ordinance amending Sections 5.400 to 5.530 of the Lafayette Municipal Code dealing with nuisance abatement and the keeping of fowl and livestock'.

Discussion- Diane Rinks said that she is proposing that the keeping of fowl and livestock be prohibited in the city limits. There are many issues with the enforcement of the code in regard to fowl and livestock, and there are also concerns with the threat of the avian flu.

This ordinance will also change the definition of an inoperable vehicle (section 5.445), and section 5.510 will be amended to allow the **City Administrator or** Council to cause a nuisance to be abated.

Art Bixman wanted to clarify if someone currently has fowl, that they can keep it. Diane Rinks said that they can keep it as long as they aren't found guilty of violating the other sections of the code relating to noise, smell, etc.

This ordinance will be carried forward to the next meeting where a public hearing will be held before this is adopted. Notice of the public hearing will be advertised on the June water bill.

## **11. ACTION ITEMS:**

### **1) Add employee paid options to medical/dental coverage:**

Bob Cullen made a motion to allow the options of a \$5,000 dependant life insurance plan and a long term care insurance plan to be offered to employees, with the understanding that any costs for these options will be paid by the employee. Art Bixman seconded the motion. Discussion- Jim Sieber asked if it would take much staff time to offer these options, and Diane Rinks said no. There was no more discussion and the motion passed unanimously.

### **2) Abatement properties:**

Bob Cullen made a motion to cause 1055 Bridge Street, 743 Jefferson Street, 434 Bridge Street, and 422 4<sup>th</sup> Street to be abated by the City in accordance with the Lafayette Municipal Code. Art Bixman seconded the motion. Pictures were passed around of the condition of 743 Jefferson Street. There was no discussion and the motion passed unanimously.

### **3) Approve requested rate increase for City Attorney:**

Diane Rinks said that the City Attorney has submitted a request for a rate increase. Their rates have not changed since August 2003. It is her recommendation that the rate increase be approved.

Bob Cullen made a motion to approve the City Attorney's request for a rate increase from \$165 to \$180 per hour for attorneys and from \$110 to \$145 per hour for paralegals, effective July 1, 2006. Jim Sieber seconded the motion. There was no more discussion and the motion passed unanimously.

### **4) Approve change orders for WWTP:**

Diane Rinks said that as the City is nearing the end of the Wastewater Treatment Plant project, some change orders have come up that need to be considered by the Council.

Change order #5 includes electrical revisions, added drain and primer for HVAC, modifications to blower piping, modifications of piping to filters, added tees and valves to drain NPW, and frame and drywall filter building. The total change order amounts to \$17,086.14. Diane Rinks recommended that this change order be approved.

Bob Cullen made a motion to accept change order #5 for \$17,086.14. Art Bixman seconded the motion. There was no discussion and the motion passed unanimously.

Change order #6 includes \$9,177.74 for additional permitting costs, \$894.00 for additional eye wash in office/lab building, and \$481.25 for the relocation of a chemical pump. Diane Rinks said that she disagreed with the additional costs for permits because there was only \$4,000 put in the bid, but she found some additional language in the contract that states that the City will pay for any excess permit costs above what was put in the bid. There was also a request for an additional \$1,800 for a performance bond that was required to obtain ODOT permits. Diane Rinks said that she did not include this in the change order because the contract documents state that the bid amount for permits would include all insurance costs, and she considers a bond as insurance. Discussion ensued. Mike Henry disagreed with that interpretation and does not consider a bond as insurance. The Council agreed with Diane Rinks and did not want the \$1,800 included in the change order.

Bob Cullen made a motion to accept change order #6 for \$10,553.59. Art Bixman seconded the motion. There was no more discussion and the motion passed unanimously.

Change order #7 is for the addition of a 20 foot double gate at the north end of the pond for a total of \$3,317.75. Diane Rinks said that she doesn't know why this wasn't included in the original plans, as it will be needed to access the sludge disposal site at some point. There were some concerns about the high cost for this gate. It was the consensus of the Council to wait until such time the gate is needed, and look into it further at that time. Change order #7 was denied.

Mayor Don Leard moved the executive session to this point of the agenda.

## **13. EXECUTIVE SESSION AS ALLOWED BY ORS 192.660 (2) (H) Re: current litigation or litigation likely to be filed**

Mayor Don Leard said that the Lafayette City Council will now meet in executive session for the purpose of consulting with legal counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed, consistent with ORS 192.660(2)(h). Representatives of the news media and designated staff are allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session except to state the general subject of the session. No decision shall be made in executive session. At the end of the executive session, Council will return to open session.

The Council went into executive session at 7:58 p.m.

Mayor Don Leard went back into open session at 8:32 p.m.

**11. ACTION ITEMS:**

**5) Approve City Administrator evaluation process:**

Diane Rinks said that state law requires that the Council adopt a process in open session for evaluating the City Administrator. The same form and process that has been used for the last two years was presented to the Council for consideration.

Jim Sieber made a motion to adopt the attached evaluation process. Art Bixman seconded the motion. Discussion- The evaluations will need to be turned in to the designated person by May 29<sup>th</sup> so that it can be prepared for the next meeting. Art Bixman volunteered to compile the evaluations. There was no more discussion and the motion passed unanimously.

**12. DISCUSSION ITEMS:**

**1) Council Vacancy:**

There was some discussion about whether to fill the vacant Council position left by Steve Malone. It was the consensus of the Council to leave the position vacant until the general election in November 2006.

**2) Truck parking on 3<sup>rd</sup> Street:**

(Added by Diane Rinks under 'Additions and Deletions')

Diane Rinks said that she has been asked to address the Council about truck parking (overnight on west end of town) on Third Street. Since 3<sup>rd</sup> Street (Highway 99) is a state highway, ODOT would have to be contacted about this. The Council did not feel that this is an issue and took no action on this.

**14. COMMITTEE REPORTS:**

None.

**15. MAYOR'S REPORT:**

None.

**16. REVIEW OF HANDOUT MATERIAL:**

Mayor Don Leard reviewed the complaints that were received.

**17. ADJOURNMENT:**

Lisa Heatherly made a motion to adjourn. Art Bixman seconded the motion. There was no discussion and the motion passed unanimously. The meeting was adjourned at 8:42 p.m.

**Minutes approved on this 8th day of June, 2006.**

**APPROVED:**

**ATTESTED:**

\_\_\_\_\_  
Mayor Don Leard

\_\_\_\_\_  
Diane Rinks, City Administrator